

### REMARKS

Claims 1 and 3-5 are pending in this application. Reconsideration in view of the amendments made to claims 1 and 3 and the following remarks is respectfully requested.

Claim 1 has been amended to overcome the claim objection stated with respect to the informality of claim 1. The examiner's suggestions has been adopted and the term "generation" has been amended to "generating". The objection should, therefore, be withdrawn.

Claim 1 has been further amended to more clearly illustrate the invention in response to the Examiner's rejection of claim 1 under 35 USC 112, first paragraph, by reciting that the virus-infected plant is one that propagates via scaly bulbs or bulbs. This should aid the examiner in determining that the invention, as claimed, is enabled under the Wands test.

The examiner asserts that the quantity of experimentation necessary for applying the invention to plants that do not propagate via scaly bulbs or bulbs would be high. As such, applicants have amended claim 1 to recite that the virus-infected plant is one that propagates via scaly bulbs or bulbs. The examiner should find that the level of experimentation required for application of the claimed invention is now commensurate with the scope of the claims, as one of ordinary skill in the art would not need to address differences in the foliage leaf bases of plants that propagate via bulbs and those that do not. This amendment is supported in the original specification on page 4, lines 9-10.

Given that the examiner has recognized that the level of skill in the art is high. One of ordinary skill in this art would not need specific guidance to apply the invention of amended claim 1 across genera. As the specification teaches on page 4, the present method is applicable to a number of plants that propagate via bulbs, such as lilies, tulips, etc. One of ordinary skill in the art would be readily able to carry out the claimed invention for many types of plants, as it would be well within the skill of the ordinary artisan to prepare the necessary explant, select the appropriate culture medium, culture the explant, and cultivate the resulting plantlets without further instruction or guidance than is provided within the specification. As the examiner should agree, those skilled

in this art are readily familiar with such procedures. Further, it is the novel process of producing virus-free plants from virus-infected plants by culturing the callus from the stem disc explant that is being claimed. Carrying out this method across the many genera of plants that propagate via bulbs would pose very little challenge to one of ordinary skill in this art and could be done with minimal experimentation. For these reasons and in view of the amendments made herein, the rejection under 35 USC 112, first paragraph, should be withdrawn.

Claim 3 has been amended to overcome the rejection under 35 USC 112, second paragraph. Claim 3 has been amended to further clarify that “the joint” of the plant is the foliage leaf joint as illustrated in fig. 1 of the original specification. This most certainly eliminates any lack of clarity and specificity with respect to claim 3. This rejection should, therefore, be withdrawn as well.

Claims 1 and 3-5 are again rejected under 35 USC 103(a) over Ayabe in view of Verbeek and Fletcher. The rejection, despite the examiner’s contention, clearly fails to support *prima facie* obviousness.

None of the references teach, disclose, or suggest obtaining the explant material from a virus-infected plant. Thus, none of the references teach “preparing a foliage leaf base of a virus-infected plant that propagates with scaly bulbs or bulbs” as recited in claim 1. The examiner has not produced any evidence to show that this feature was known in the art or to refute the teaching on page 3, lines 13-16, of the specification which states that “[t]he inventors of the present invention have found for the first time that the domy tissue is undergoing active cell division and no virus is present therein”. No case of *prima facie* obviousness, therefore, is established and the rejection under 35 USC 103(a) should be withdrawn.

Claims 1 and 3-5 are also rejected under 35 USC 103(a) over JP 06197650 (‘650) in view of Verbeek and Fletcher. The basis for the rejection is unclear, as the examiner fails to allege where in the reference each feature of claim 1 is found. Upon review of the ‘650 reference, it is evident that it, as well, fails to teach “preparing a foliage leaf base of a virus-infected plant that propagates with scaly bulbs or bulbs” as recited in claim 1. In view of the previous remarks, this rejection also

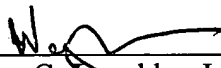
fails to establish *prima facie* obviousness. This rejection under 35 USC 103(a) should also be withdrawn.

All claims are, therefore, in condition for allowance and a notice thereof is earnestly solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **350292001100**.

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Respectfully submitted,

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